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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,898	03/05/97	EBERLE III	H HWE-103A

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PM31/1008

EXAMINER	
LEV, B	
ART UNIT	PAPER NUMBER
3634	

#17

DATE MAILED: 10/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
08/811,898

Applicant(s)
Eberle

Examiner
Bruce A. Lev

Group Art Unit
3634



The Appeal Brief filed on Sep 11, 1998 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed. The new complete brief must be filed IN TRIPLICATE. See 37 CFR 1.192(a).

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

(2) The status of the claims as being rejected must be properly referred to; appellant's representative had been clearly notified that the alleged paper mailed 8/11/98 was received by mistake and does not constitute a paper of the file; continued misrepresentation of the facts would be of little consequence and failure to provide a brief properly addressing the rejected status of the claims will result in the appeal being dismissed and the application abandoned.

(4) The summary of the invention refers to Figures 1-4 being shown in App. B, however App. B only contains claims 25 and 27. Thus it is unclear what appellant is referring to.

(8) The claims are not contained within a single appendix in numerical order.

**Daniel P. Stodola
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